

AN ORDINANCE AMENDING ORDINANCE NO. 70-1, AS AMENDED, BY DELETING RULE SUBSECTIONS VII(L)(4), (5), AND (6) FROM THE RULES AND REGULATIONS GOVERNING PALM BEACH INTERNATIONAL AIRPORT; BY ADDING A NEW RULE, TO BE NUMBERED VII(L)(4), REQUIRING COMPLIANCE WITH THE RUNWAY USE PROGRAM ESTABLISHED BY THE COUNTY AND THE FEDERAL AVIATION ADMINISTRATION; BY ADDING A NEW RULE, TO BE NUMBERED VII (L)(5), REQUIRING COMPLIANCE WITH CERTAIN NOISE-ABATEMENT TAKEOFF PROCEDURES; BY RENUMBERING CERTAIN OTHER RULES; BY PROVIDING FOR PERIODIC REVIEW OF THE NEW RULES; AND BY PROVIDING AN EFFECTIVE DATE.

WHEREAS, Palm Beach County is the proprietor of Palm Beach International Airport ("PBIA"), and

WHEREAS, complaints and litigation by residents of the communities around PBIA, regarding noise impacts of aircraft operating at PBIA, are a concern to the County, and

WHEREAS, the County's consultants and airport staff have conducted a thorough Noise Abatement and Mitigation Study, with extensive participation by citizens of the noise-affected communities and by representatives of the aviation industry, which study has recommended certain operational controls to lessen the impact of aircraft noise in the communities around PBIA, and

WHEREAS, the County's consultants, airport staff, and the Board of County Commissioners deem the controls imposed by this ordinance to be necessary to achieve the noise abatement goal established by the Development Order for PBIA, as established by Palm Beach County Resolution No. R-82-199, and, together with the other measures recommended by the Noise Abatement and Mitigation Study, to be the most efficient means of achieving that goal with the least incidental impact on commerce, and

WHEREAS, the Noise Abatement and Mitigation Study recommended a runway use program, which program has been approved and implemented by the Federal Aviation Administration, and

WHEREAS, the Noise Abatement and Mitigation Study recommended continued use of the F.A.A./A.T.A. noise-abatement departure profile, and

WHEREAS, the Board of County Commissioners finds this ordinance to be in the best interests of the citizens of Palm Beach County,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA:

Section 1. Section VII(L) of the Rules and Regulations Governing PBIA, as previously enacted by Ordinance 70-1, as amended, is hereby amended by deleting therefrom the rule subsection numbered 4, dealing with flight tracks of jet, turbine, and heavy piston aircraft after takeoff, and by substituting in its place the following new rule subsection, also to be numbered 4:

"4. Runway use program. Operators of all airplanes landing or taking off at PBIA shall, to the maximum extent possible consistent with safe operations, comply with the County's Runway Use Program, as developed pursuant to F.A.A. Order No. 8400.9 and previously approved by the Board of County Commissioners and by the Federal Aviation Administration, by complying with all instructions received from Air Traffic Control tower personnel. Airplane operators may obtain copies of the Runway Use Program from the Office of the Noise Abatement Officer, Department of Airports."

Section 2. Section VII(L) of the Rules and Regulations Governing PBIA, as previously enacted by Ordinance 70-1, as amended, is hereby further amended by deleting

therefrom the rule subsection numbered 5, dealing with flight over populated areas, and by substituting in its place the following new rule subsection, also to be numbered 5:

"5. Noise-abatement takeoff procedures. Operators of all large aircraft and turbine-powered aircraft taking off from PBIA shall, to the maximum extent possible consistent with safe operations, utilize the F.A.A./A.T.A. noise-abatement departure profile. Operators of such aircraft may obtain copies of the current profile from the Office of the Noise Abatement Officer, Department of Airports. For purposes of this Rule, the term "large" and "turbine-powered" aircraft shall have the same meanings as those applied in Title 14, Part 91, Code of Federal Regulations."

Section 3. Section VII(L) of the Rules and Regulations Governing PBIA, as previously enacted by Ordinance 70-1, as amended, is hereby further amended by deleting therefrom the rule subsection numbered 6, dealing with climb on takeoff and approach on landing, and by renumbering the rule subsections numbered 7 and 8 as rule subsections 6 and 7, respectively.

Section 4. Not later than July 1, 1986, and each succeeding July 1 thereafter, the Director shall submit to the Board of County Commissioners a report stating the recommendations, if any, of the Department of Airports, for revising the Rules enacted by this Ordinance to reflect changes in circumstances during the preceding year. The Director shall also notify the Board of County Commissioners of any amendment to the Code of Federal Regulations which affects the subject

matter of such Rules, or of any amendment to the County's F.A.R. Part 150 Noise Compatibility Program, as soon as practical after such amendment.

Section 5. If any portion of this ordinance shall be adjudicated invalid for any reason, it is the intent of the Board of County Commissioners that the remaining portions of this Ordinance shall nevertheless be given effect.

Section 6. This ordinance shall take effect on August 1, 1985.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on the 23rd day of July, 1985.

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: [Signature]

Chairman

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY [Signature]

County Attorney

Acknowledgement by the Department of State of the State of Florida, on this, the 1st day of August, 19 85.

Acknowledgement from the Department of State received on the 5th day of August, 19 85, at 3:53 P.M. and filed in the Office of the Clerk of the Board of County Commissioners of Palm Beach County, Florida.

Effective Date: August 1, 1985

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, JOHN B. DUNKLE, ex-officio Clerk of the
Board of County Commissioners certify this to
be a true and correct copy of the original filed in
my office on July 23, 1985
DATED at West Palm Beach, FL on 8/6/85
JOHN B. DUNKLE, Clerk
By: [Signature] D.C.
Deputy Clerk